

## **Consideration for preliminary adoption of new rule section to govern prohibited invasive aquatic plants and restricted invasive aquatic plants; Administrative Cause No. 11-054E**

As set forth in Exhibit A, the Department of Natural Resources requests that the Natural Resources Commission give preliminary adoption to a new rule section to address, as pests or pathogens, designated invasive aquatic plants. The rule would govern the sale, distribution, and transport of invasive aquatic plants. This subject was considered by the Advisory Council as an information item. The Advisory Council expressed support for preliminary adoption.

### **Exhibit A**

SECTION 1. 312 IAC 18-3-23 IS ADDED TO READ AS FOLLOWS:

#### **312 IAC 18-3-23 Prohibited invasive aquatic plants**

Authority: IC 14-10-2-4; IC 14-24-3

Affected: IC 14-24

**Sec. 23 (a) The following are prohibited invasive aquatic plants and are declared pests or pathogens regulated under this section:**

- (1) *Azolla pinnata* (mosquito fern)
- (2) *Butomus umbellatus* (flowering rush)
- (3) *Caulerpa taxifolia* (caulerpa or Mediterranean killer algae)
- (4) *Egeria densa* (Brazilian elodea, Brazilian waterweed, Anacharis, or Egeria)
- (5) *Eichhornia azurea* (anchored water hyacinth)
- (6) *Hydrilla verticillata* (Hydrilla or water thyme)
- (7) *Hydrocharis morsus-ranae* (European frogbit or common frogbit)
- (8) *Hygrophilia polysperma* (miramar weed, Indiana swampweed, or hygro)
- (9) *Ipomoea aquatica* (Chinese waterspinach or swamp morning-glory)
- (10) *Iris pseudacorus* (yellow flag iris or tall yellow iris)
- (11) *Lagarosiphon major* (oxygen weed or African elodea)
- (12) *Limnophila sessiliflora* (Asian marshweed or ambulia)
- (13) *Monochoria hastata* (monochoria, arrowleaf, or false pickerelweed)
- (14) *Monochoria vaginalis* (heartshape or false pickerelweed)
- (15) *Myriophyllum aquaticum* (parrot feather or parrot feather watermilfoil)
- (16) *Myriophyllum spicatum* (Eurasian watermilfoil)
- (17) *Najas minor* (brittle naiad or brittle water nymph)
- (18) *Nymphoides peltata* (yellow floating heart)
- (19) *Ottelia alismoides* (duck lettuce)
- (20) *Potamogeton crispus* (curlyleaf pondweed)
- (21) *Sagittaria sagittifolia* (arrowhead)
- (22) *Salvinia auriculata* (giant salvinia)
- (23) *Salvinia biloba* (giant salvinia)
- (24) *Salvinia herzogii* (giant salvinia)
- (25) *Salvinia molesta* (giant salvinia)
- (26) *Sparganium erectum* (exotic bur-reed)
- (27) *Trapa natans* (water chestnut)
- (28) *Typha angustifolia* (narrow-leaf cattail)

**(b) This section applies to any part or life stage of the species identified in subsection (a).**

**(c) Except as provided in subsection (d), a person must not do the following with respect to any species identified in subsection (a):**

**(1) Sell, offer for sale, gift, barter, exchange, or distribute a species.**

**(2) Transport a species on or within any:**

**(A) boat;**

**(B) trailer;**

**(C) motor vehicle;**

**(D) bait bucket;**

**(E) fishing gear;**

**(F) creel;**

**(G) tackle;**

**(H) tackle box; or**

**(I) other means.**

**(d) Exempted from this section are the following:**

**(1) A person who possesses a species identified in subsection (a) under a permit issued by the state entomologist.**

**(2) A person engaged in a project approved by the state entomologist for the destruction of a species.**

**(e) The division may regulate an area infested by a species identified in subsection (a) to prevent its movement.**

**(f) A person who discovers a species identified in subsection (a) may:**

**(1) Report the discovery to a department fisheries biologist or to the following address:**

**Department of Natural Resources**

**Division of Fish and Wildlife**

**Aquatic Invasive Species Coordinator**

**402 West Washington Street, Room W273**

**Indianapolis, IN 46204**

**(2) Include in the report provided under subdivision (1):**

**(i) The location of the discovery, including the name of the county and the waterway.**

**(ii) The date of the discovery.**

**(iii) Contact information for the person making the report, including telephone number and address. (*Natural Resources Commission; 312 IAC 18-3-22*)**